

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PELTON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY L. MILLER
ROBERT T. MALDONADO
ERIC D. KIRSCH
ALAN J. MORRISON
GARY J. GERSHIK
MICHAEL F. NORANO
FRANK A. BRUNO
JASON S. MARIN
KEITH J. BARKHAUS
HARVEY AGOSTO
ANTHONY V. FLINT*

IVAN S. KAVRUKOV
PETER D. MURRAY
JAY H. MAIOLI
ROBERT S. G. HOROWITZ
DONALD S. GOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
RICHARD F. JAWORSKI
PAUL TENG
PEDRO C. FERNANDEZ
TODD W. EVANS
ALAN D. MILLER
CHRISTINE S. NICKLES
SPYROS S. LOUKAKOS*
MARIA V. MARUCCI
DEEPRO R. MUKERJEE

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
JOHN R. GARBER
MARK A. FARLEY

SCIENTIFIC ADVISORS
BRIAN J. ANOS, PH. D.
NICHOLAS F. MUTO, PH. D.
JOSEPH B. CRYSTAL, PH. D.
ARMAND L. BALBONI, M. PHIL.
MURIEL M. LIBERTO, PH. D.

FOUNDED 1887
www.cooperdunham.com

FAX RECEIVED

DEC 24 2002

GROUP 1600

FACSIMILE TRANSMISSION

OFFICIAL

*NEW YORK STATE BAR ADMISSION PENDING

PLEASE DELIVER THE FOLLOWING PAGES

TO : Examiner K. A. CanellaCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO.: 703-872-9306FROM : Alan J. Morrison, Esq.TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 6DATE December 23, 2002 TIME:CLIENT/DOCKET: 58044-A (Serial No.: 09/724,254)

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS
POSSIBLE TO (212) 278-0415.

=====

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Dkt. 58044-A/JPW/AJM/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Riccardo Dalla-Favera
Serial No.: 09/724,254 Examiner: K. A. Canella
Filed : November 28, 2000 Group Art Unit: 1642
For : ISOLATION OF FIVE NOVEL GENES CODING FOR NEW FC
RECEPTORS-TYPE MELANOMA INVOLVED IN THE
PATHOGENESIS OF LYMPHOMA/MYELOMA

1185 Avenue of the Americas
New York, NY 10036
December 23, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**SUPPLEMENTAL COMMUNICATION IN RESPONSE
TO NOVEMBER 20, 2002 RESTRICTION REQUIREMENT
AND PETITION FOR A ONE-MONTH EXTENSION OF TIME**

This Supplemental Communication is submitted in response to the November 20, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the November 20, 2002 Office Action was originally due December 20, 2002. Applicant hereby requests a one-month extension of time for responding.

The fee for a one-month extension is \$55.00, and authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125. Accordingly, this Communication is being timely filed.

As stated earlier today in a telephone message to Examiner K. Canella from applicant's undersigned attorney, this Supplemental

Applicant : Riccardo Dalla Favera
Serial No.: 09/724,254
Filed : November 28, 2000
Page 2

Communication follows applicant's Communication sent by first class mail on December 20, 2002, in response to the November 20, 2002 Office Action. In the December 20 Communication, applicant elected to prosecute claims 1-25 directed to nucleic acids. Applicant respectfully requests that the Examiner disregard applicant's election of claims 1-25, and instead enter applicant's election set forth hereinbelow.

In the Office Action, the Examiner restricted pending claims 1-25 and 33-47 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

- I. Claims 1-25, drawn to isolated nucleic acids encoding IRTA1, IRTA2, IRTA3, IRTA4, and IRTA5, vectors and host cells thereof;
- II. Claims 33-42, drawn to the purified proteins of the isolated nucleic acids of Group I; and
- III. Claims 43-47, drawn to antibodies which bind to the proteins of Group II.

In addition, the Examiner indicated that the following secondary election must be made, as the application allegedly contains claims to the following patentably distinct species of the claimed invention: IRTA1, IRTA2, IRTA3, IRTA4 and IRTA5 nucleic acids encoding respective protein species and antibodies which bind to these protein species.